

1 ALAN B. EXELROD (SBN: 50467)
2 DAVID A. LOWE (SBN: 178811)
3 JOHN T. MULLAN (SBN: 221149)
4 RUDY, EXELROD, ZIEFF & LOWE, L.L.P.
5 [REDACTED]
6 [REDACTED]

ENDORSED
FILED
San Francisco County Superior Court

MAY 10 2012

CLERK OF THE COURT
BY: DEBORAH STEPPE
Deputy Clerk

7 Attorneys for Plaintiff

D. STEPPE

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9
10 IN AND FOR THE COUNTY OF SAN FRANCISCO

11 ELLEN PAO,
12

Case No. CGC-12-520719

13 Plaintiff,

14 vs.

COMPLAINT FOR DAMAGES

JURY TRIAL DEMANDED

15 KLEINER PERKINS CAUFIELD &
16 BYERS LLC AND DOES 1-20.

16 Defendants.
17 _____/

18
19 Plaintiff complains and alleges as follows:

20 INTRODUCTION

21 1. Plaintiff Ellen Pao is an accomplished venture capital professional at Defendant
22 Kleiner Perkins Caufield & Byers, LLC ("KPCB"). This case concerns KPCB's discriminatory
23 treatment of Plaintiff and other female employees, specifically in advancement and
24 compensation, because of their gender. Moreover, Plaintiff experienced continuing retaliation
25 after she complained about sexual harassment to the highest level of management of KPCB.
26 KPCB violated its obligation to take all reasonable steps to prevent discrimination and retaliation
27 from occurring.

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1 **PARTIES AND JURISDICTION**

2 2. Plaintiff is an employee of KPCB. She has worked for KPCB in San Francisco
3 County, California and resides in San Francisco County. She meets with companies that KPCB
4 has funded or considers funding and with entrepreneurs and executives in San Francisco County,
5 and she works from her home in the evenings and weekends.

6 3. Plaintiff is informed and believes, and thereon alleges, that KPCB is a corporation
7 doing business in San Francisco County, California and at relevant times has had an office in San
8 Francisco County at which Plaintiff has at times worked. KPCB funds companies in San
9 Francisco County and frequently hosts events for entrepreneurs in San Francisco County.

10 4. Plaintiff is further informed and believes, and thereon alleges, that each defendant
11 named herein Does 1 through 20, inclusive, was, at all times relevant to this action, the agent,
12 employee, or joint venturer of the remaining defendants and was acting within the course and
13 scope of that relationship. The true names and capacities of the defendants named herein Does 1
14 through 20, inclusive, whether individual, corporate, associate, or otherwise, are unknown to
15 Plaintiff, who therefore sues such defendants by fictitious names pursuant to California Code of
16 Civil Procedure section 474. Plaintiff will amend this Complaint to show such true names and
17 capacities of Does 1 through 20, inclusive, when they have been determined.

18 **FACTS COMMON TO ALL CAUSES OF ACTION**

19 5. Plaintiff is a graduate of Princeton University with a degree in Electrical
20 Engineering and a certificate from the Woodrow Wilson School of Public and International
21 Affairs. Following her undergraduate education, she received a Juris Doctor degree from
22 Harvard Law School with honors. She then worked as a lawyer at Cravath, Swaine & Moore.
23 After Cravath, she entered Harvard Business School and graduated with a Masters of Business
24 Administration degree with distinction. Following her graduation from business school, she
25 worked at technology-related firms, including Microsoft Corporation, Tellme Networks, Danger
26 Research and BEA Systems, Inc., for seven years with increasing responsibility. She is also a
27 member of the 2007 class of Henry Crown Fellows at the Aspen Institute.

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1 6. KPCB is a venture capital firm. It raises funds from institutional investors,
2 wealthy individuals and its own employees, and invests the money in technology companies. It
3 invests amounts ranging from \$100,000 to \$50,000,000 and sometimes more in companies to
4 help fund their growth. Its investments include Google Inc., Facebook Inc. and Genentech.
5 KPCB also provides strategic advice and a network of relationships to the companies it supports,
6 and KPCB employees usually hold seats on the Boards of Directors of its companies. KPCB
7 invests in companies in the digital technology, greentech, and life sciences sectors. When these
8 companies generate returns by being acquired, by going public and issuing stock or by
9 distributing gains, KPCB generates returns for itself and the investors from whom it raised funds.
10 KPCB is headed by Managing Partners, who manage the firm, including its investment team of
11 Senior Partners and Junior Partners.

12 7. In February 2005 KPCB was seeking to hire a Chief of Staff for John Doerr, one
13 of the Managing Partners. Plaintiff applied for the position and was hired in June 2005 after an
14 extensive interview process. Her title was Junior Partner, and initial job responsibilities were to
15 manage projects and new initiatives of Mr. Doerr, to identify potential digital technology
16 investments for KPCB to fund, to interview executives, to help raise financings, to serve as a
17 board observer, to help write Mr. Doerr's speeches and articles, and to support firm activities.
18 She was told if she was successful in this role, she would move to a full-time investing role after
19 three years.

20 8. In February 2006 Plaintiff and another Junior Partner, Ajit Nazre, went on a
21 business trip to Germany. Mr. Nazre had the same job title as Plaintiff, but had been with the
22 firm since 2003, two years longer than Plaintiff, and directed some of her work, including the
23 Germany trip. Mr. Nazre made inappropriate sexual approaches to Plaintiff on that trip. She
24 rebuffed his advances. Mr. Nazre responded to her rebuff of his advances by becoming brusque
25 and distant. He also had strong influence over how other partners at the firm would view
26 Plaintiff, specifically Ray Lane, a Managing Partner and Mr. Nazre's sponsor and mentor. From
27 March to October 2006, Mr. Nazre continued to pressure Plaintiff to have a sexual relationship
28 with him. Mr. Nazre falsely told her that his wife had left him. When Plaintiff refused his

1 advances, Mr. Nazre engaged in offensive, obstructionist and difficult behavior toward Plaintiff.
2 Plaintiff eventually succumbed to Mr. Nazre's insistence on sexual relations on two or three
3 occasions. In October 2006 Plaintiff informed Mr. Nazre that she would no longer have a
4 personal relationship with him. Mr. Nazre started a consistent pattern of retaliation against her.

5 9. Over the course of more than five years, Mr. Nazre engaged in retaliation against
6 Plaintiff. He excluded her from numerous business meetings. He removed her from business
7 email discussions where she had initially been included. He failed to share information required
8 for her job. He prevented her from interviewing potential new employees. In one case, Mr.
9 Nazre approached the CEO of a company sponsored by Plaintiff and asked the CEO to join the
10 board of a different company sponsored by Mr. Nazre. Mr. Nazre failed to consult or inform
11 Plaintiff. When Plaintiff reported Mr. Nazre's actions, she was told that it was unfair, that it
12 would never have happened to a male partner, but that she should just accept it.

13 10. For Valentine's Day 2007 Senior Partner Randy Komisar came into Plaintiff's
14 office and gave her a book entitled "The Book of Longing" by Leonard Cohen, inscribed with a
15 handwritten note from Mr. Komisar to Plaintiff. The book contains many sexual drawings and
16 poems with strong sexual content. At about the same time, Mr. Komisar asked Plaintiff out to a
17 Saturday night dinner, telling Plaintiff that his wife would be out of town. Plaintiff turned down
18 his offer of dinner. Plaintiff considered the book and the one-on-one, weekend-night dinner
19 invitation to be inappropriate in the workplace.

20 11. Upon information and belief, at least three administrative assistants complained
21 that they were being harassed or discriminated against by KPCB partners in May 2007. After
22 hearing of these complaints, Plaintiff expressed concern and warned KPCB's Chief Operating
23 Officer about Mr. Nazre with the intent of helping the firm avoid future problems. KPCB
24 engaged an outside investigator in response to the complaints of the administrative assistants.
25 The investigator interviewed Plaintiff, but did not ask any questions related to inappropriate
26 behavior by Mr. Nazre.

27 12. In late June 2007 Plaintiff reported Mr. Nazre's sexual harassment and retaliatory
28 behavior to two Managing Partners, Ted Schlein and Ray Lane, and to a Senior Partner, Juliet de

1 Baubigny. After weeks without a response, Plaintiff told John Doerr about Mr. Nazre's
2 inappropriate behavior. Plaintiff also told Mr. Doerr that Randy Komisar had given her a book
3 with sexualized content and had asked her out to dinner, and that she found this behavior
4 inappropriate. She requested that the firm provide sexual harassment training as required by law.

5 13. Upon information and belief, Ray Lane and John Doerr discussed how to respond
6 to Plaintiff. Ray Lane met with Plaintiff. While acknowledging that Mr. Nazre's behavior was
7 inappropriate, Mr. Lane pressured Plaintiff to drop the matter because of Mr. Lane's close ties
8 with and mentorship of Mr. Nazre. Though Plaintiff had formally complained about Mr. Nazre's
9 behavior, Mr. Lane encouraged Plaintiff to engage in a personal relationship with Mr. Nazre and
10 even to marry him. Mr. Lane said, however, that in such case, either Plaintiff or Mr. Nazre
11 would have to leave the firm because two spouses could not work together at KPCB. Mr. Lane
12 said he and Mr. Nazre had discussed Plaintiff's report of sexual harassment.

13 14. KPCB was aware of and did not take reasonable steps to prevent retaliation and
14 gender discrimination. KPCB management was aware of and did not prevent Mr. Nazre from
15 engaging in repeated retaliatory behavior for nearly five years. Following her formal complaint
16 described above, Ray Lane insisted that Plaintiff have a one-on-one lunch with Mr. Nazre outside
17 the office to discuss their relationship. Plaintiff saw no choice but to comply with the demand of
18 a Managing Partner. Unsurprisingly, Mr. Nazre made inappropriate comments and engaged in
19 unprofessional behavior, and seemed to be empowered by KPCB to further retaliate against her.

20 15. In early December 2007, Plaintiff reported Mr. Nazre's continuing retaliatory acts
21 to Ted Schlein and John Doerr and asked for their help to find a solution. She received no
22 response. Instead, a few weeks later, Mr. Nazre was promoted from Junior Partner to Senior
23 Partner. This promotion made Mr. Nazre a Senior Partner in the Greentech Group where
24 Plaintiff worked and gave him more direct control over her.

25 16. In early January 2008, KPCB retaliated against Plaintiff for her complaints by first
26 requesting that Plaintiff change the location of her office -- from the central corridor near John
27 Doerr to the back annex of the building in a group of mostly empty and guest offices -- because
28 Mr. Nazre was being moved near Plaintiff's office. Plaintiff refused. KPCB nevertheless moved

1 Mr. Nazre to a larger office across the hall from Plaintiff. In addition, KPCB asked Plaintiff to
2 move to the China office to separate her and Mr. Nazre, who would remain in Northern
3 California. Plaintiff refused this blatant retaliation as well.

4 17. In mid-January 2008, Plaintiff went to Mr. Schlein and asked him if he had spoken
5 to Mr. Nazre about the retaliation she raised in December 2007. She described again to him the
6 retaliatory actions by Mr. Nazre to which she had been subject. Mr. Schlein said he had not done
7 anything and asked if it was still necessary to do anything. Plaintiff also reported Mr. Nazre's
8 conduct to Juliet de Baubigny in her capacity as head of Human Resources at KPCB. Plaintiff
9 was told by one Senior Partner not to work on any projects with Mr. Nazre and by another Senior
10 Partner to report directly to Mr. Nazre and have him review all her activities.

11 18. Shortly after her conversation with Juliet de Baubigny, Plaintiff told John Doerr
12 that because of Mr. Nazre's continued retaliation despite her multiple complaints, she wanted to
13 move to the Digital Group -- away from Mr. Nazre and the Greentech Group, and toward her area
14 of expertise and interest. Mr. Doerr told Plaintiff he thought Mr. Nazre was treating Plaintiff
15 even worse than before because Plaintiff seemed happy in her recent marriage. Mr. Doerr told
16 Plaintiff that he would take care of the situation, but that he wanted Plaintiff to continue working
17 in the Greentech Group.

18 19. In 2008 KPCB did not give Plaintiff her annual performance review. Typically,
19 KPCB reviews every Junior Partner each year to assess performance for the prior year, which is
20 used to determine bonus, raise and promotion status. For example, in 2007, when John Doerr
21 gave Plaintiff her performance review, he told her that because she was the top performer of the
22 Junior Partners and that she had the most positive internal feedback, she would receive a
23 significant bonus and raise. In 2008, KPCB had told her she was going to receive her review
24 before she left for a three-month maternity leave in mid-July. That did not happen, nor did she
25 receive her review upon her return. Her exclusion from the review process meant she did not
26 have an opportunity to present her case for promotion or for additional compensation, or to hear
27 or refute feedback or criticism. KPCB's refusal to give Plaintiff a performance review was
28 retaliation for her multiple complaints about retaliation by Mr. Nazre and about KPCB for its

1 refusal to do anything about Mr. Nazre.

2 20. In October 2008, after Plaintiff had returned from maternity leave, Ajit Nazre
3 continued to retaliate against Plaintiff. Plaintiff informed John Doerr in November of the
4 continued retaliation and cited an example of Mr. Nazre excluding her from an important
5 investment decision meeting.

6 21. Because of Ajit Nazre's continuing retaliation against Plaintiff, Plaintiff told John
7 Doerr and Ted Schlein again in August 2009 that she did not want to be in the Greentech Group
8 any longer. On August 6, Mr. Schlein asked whether Mr. Nazre was continuing to retaliate.
9 Plaintiff responded that he was and that no one was doing anything about it.

10 22. On August 7, 2009 Plaintiff sought advice from KPCB's external human resources
11 consultant. Plaintiff told the consultant about the discriminatory and retaliatory treatment she had
12 been receiving from Ajit Nazre and other partners. The consultant told Plaintiff that she would
13 not be successful at KPCB because she had complained and that going forward she should drop
14 her complaints, because no one would do anything about them.

15 23. In September 2009 KPCB continued the retaliation with Plaintiff's performance
16 review. Typically at KPCB, a Junior Partner is reviewed by his or her direct boss and also by
17 other partners with whom the employee has worked closely, based on a list of proposed reviewers
18 prepared by the employee. In contrast, for Plaintiff's 2009 performance review, many of the
19 people that Plaintiff had worked with and proposed as reviewers were not assigned to her
20 evaluation. Inexplicably, John Doerr, her direct boss, was not assigned to be one of her
21 reviewers, despite her position as his Chief of Staff. This was not rectified until Plaintiff
22 complained. People that Plaintiff had worked very little with were included, though she was not
23 similarly asked to review them. Consequently, Plaintiff's 2009 performance review focused on
24 the negative feedback of partners who did not work most closely with her and whom she had not
25 proposed to review her. John Doerr, Ray Lane and Ted Schlein, three Managing Partners, met
26 with Plaintiff to give her the review and told her that other partners gave her negative feedback.
27 This review was further retaliation for her complaints about KPCB's refusal to do anything about
28 Ajit Nazre's behavior.

1 24. Plaintiff believed that the retaliation and gender discrimination were affecting her
2 compensation at KPCB, because women generally were not treated equivalently or promoted to
3 Senior Partner based on their gender. For example, male Junior Partners were allowed to add
4 multiple Boards of Director positions and investment sponsorships each year, while female
5 Junior Partners were limited to just one. This difference in treatment affected compensation,
6 because investment sponsorships impacted board positions, outside perceptions and the ability to
7 generate returns.

8 25. Plaintiff also believed that retaliation and gender discrimination were affecting her
9 compensation through the assignment of profits in the KPCB funds. As is typical in venture
10 capital firms, KPCB retains a share of the profits of each investment fund that it manages. This
11 share of the profits is commonly referred to as "carried interest". The KPCB carried interest is
12 shared among the KPCB professionals based on allocation decisions made by KPCB Managing
13 Partners. The larger the share of carried interest that a professional receives of each KPCB
14 investment fund, the more money that professional stands to make if that fund generates profits.
15 KPCB Managing Partners discriminated against women over time by allocating smaller carried
16 interest percentages from its various investment funds to women than to men. The discrimination
17 had two forms: Women were not promoted to higher levels within the firm that would have
18 resulted in high allocations, and men at comparable levels to women were allocated larger shares
19 of carried interest.

20 26. Plaintiff communicated her concern to John Doerr in October and November 2009
21 that her KPCB compensation was low compared to the value she was delivering and to the
22 compensation outside KPCB. Mr. Doerr told her to stop complaining about her compensation.
23 Plaintiff also stated as she had in the past that women were not being listened to at the firm and
24 that she and other women were constantly being interrupted and ignored during meetings, despite
25 identifiable negative impact on KPCB's performance. Although no action was taken to increase
26 Plaintiff's compensation, KPCB finally transferred Plaintiff from the Greentech Group to the
27 Digital Group in December 2009 -- almost two years after her initial request for transfer. From
28 then on, she reported to the leader of the Digital Group, Ted Schlein.

1 27. On August 25, 2010, Ted Schlein gave Plaintiff her performance review, which
2 was again retaliatory. He described her work with CEOs of KCPB portfolio companies as
3 "appreciated and coveted". However, the written review also cited "issues" with other partners.
4 She later learned this feedback was spearheaded by Randy Komisar, whom Plaintiff had not
5 listed as a suggested reviewer and whom she was not asked to review.

6 28. One example of KPCB's discriminatory treatment against Plaintiff related to
7 Plaintiff's work on KPCB's investment in a San Francisco-based technology company. Plaintiff
8 had been the primary contributor and champion of the investment at KPCB, but KPCB chose
9 Randy Komisar rather than Plaintiff as its Board representative, citing a "one Board per fund"
10 policy for Junior Partners and Plaintiff's upcoming three-month maternity leave. In late 2010,
11 multiple Board members expressed unhappiness with Mr. Komisar as a Board member and
12 wanted him off the Board. Plaintiff conveyed the company's concerns first to Mr. Komisar, then
13 to Mr. Schlein, who expressed interest in serving on the Board himself, and then to Mr. Doerr.
14 Mr. Doerr told Plaintiff that she championed the investment, that she built the relationships with
15 the company's team and that she had done almost all the work for KPCB. Mr. Doerr told
16 Plaintiff that she deserved the Board seat but that Mr. Komisar "needed a win". Rather than
17 replace Mr. Komisar, KPCB responded to the company's concerns by instructing Plaintiff in
18 January 2011 to permanently and without explanation terminate her relationship with the
19 company so Mr. Komisar could build his own relationship. Plaintiff was ordered to stop working
20 with the company only because of her gender. In mid 2011, the company went public and was
21 perceived as a great success for KPCB. Plaintiff got minimal recognition for this success,
22 because KPCB had removed her from the relationship.

23 29. In early 2011, KPCB partners led by Chi-Hua Chien organized a dinner event at
24 the San Francisco home of one of the partners. The dinner was for select KPCB partners and
25 leading executives at KPCB-funded companies, as well as leading executives of other companies
26 KPCB thought were influential. Only male KPCB partners and male executives were invited and
27 attended. Mr. Chien deliberately excluded all KPCB women from the event solely on the basis of
28 their gender. Mr. Chien organized a second all-male dinner at the same partner's home in August

1 2011. Women were excluded for the same reason. At a weekly Digital Group partner meeting
2 before the second dinner, Mr. Doerr brought up the all-male dinner in response to a female
3 partner's complaint; Mr. Chien replied that women were not invited because they would "kill the
4 buzz". The August 2011 dinner caused Plaintiff particular professional embarrassment because
5 she lived in the same apartment building as the host of the dinner. By chance Plaintiff ran into
6 several of the attendees in the lobby. The non-KPCB attendees asked Plaintiff if she was joining
7 the dinner, and she had to say that she was not. She then ran into the CEO of a KPCB company
8 on whose Board she served. She also had to tell him that she was not attending.

9 30. On June 29, 2011, Ted Schlein gave Plaintiff her performance review, which
10 again focused on biased internal feedback. According to the outside consultant who gathered
11 internal input for the review process, Mr. Schlein had specifically added Chi-Hua Chien and
12 Randy Komisar had added himself to Plaintiff's reviewer list. Plaintiff had not listed Mr. Chien
13 or Mr. Komisar as partners who worked closely with her and was not asked to review either of
14 them. Plaintiff's written review included multiple criticisms of her interpersonal skills and
15 interactions with others at KPCB, including, "The number of issues and clashes with your peers
16 and other partners that were discussed last year has decreased quite a bit, but acceptance by this
17 group is still not evident." Mr. Schlein mentioned verbally that every two years Plaintiff and one
18 other partner had problems and Plaintiff seemed to be the common link, indirectly referring to
19 Mr. Nazre and Mr. Komisar.

20 31. At around the same time, a female Junior Partner complained to KPCB senior
21 management about sexual harassment by Mr. Nazre. KPCB did nothing about it and allowed Mr.
22 Nazre to continue to direct the Junior Partner and her review. This failure to act allowed and
23 encouraged Mr. Nazre to continue to retaliate against Plaintiff for her rejection and complaints of
24 his sexually harassing actions towards her. In December 2011 this same Junior Partner
25 complained to senior management about additional sexual harassment by Mr. Nazre. Upon
26 hearing that the other woman had been harassed again, Plaintiff renewed her complaints about
27 Mr. Nazre and about KPCB's failure to address Plaintiff's and other employees' complaints of
28 sexual harassment and discrimination. KPCB engaged an outside investigator and following that

1 investigation, Mr. Nazre left KPCB.

2 32. On October 25, 2011 Plaintiff flew to New York on a business trip with Ted
3 Schlein and a male Senior Partner in Mr. Schlein's private jet. Two business associates joined
4 them for the flight. Mr. Schlein, the Senior Partner and Plaintiff were traveling together to attend
5 a two-day semiannual meeting with CIOs organized for the firm. Upon information and belief,
6 Mr. Schlein and the Senior Partner joined business associates for activities both nights. Plaintiff,
7 even though she had left the two nights open and understood business related activities were to
8 take place, was not invited. She was the only female representative from the firm at the
9 conference. Plaintiff reported the exclusion and was subsequently disinvited from the May
10 semiannual CIO meeting.

11 33. Plaintiff continued to be excluded from business activities because of her gender
12 and in retaliation for her complaints of harassment and discrimination. She was not included in
13 interviews of two potential new partners who were given offers at the end of 2011. She was not
14 included in an all-male KPCB-sponsored ski trip that included flying KPCB employees and other
15 important business associates by private jet to Vail, Colorado in January 2012. In December
16 2011, Randy Komisar, a Senior Partner, told Plaintiff that the personalities of women do not lead
17 to success at KPCB, because women are quiet.

18 34. In March 2012 KPCB announced internally that three men, Chi-Hua Chien, Amol
19 Deshpande and Wen Hsieh, and no women, were promoted to General Partner. Plaintiff and
20 other women were not promoted because they are women. In addition, Plaintiff was not
21 promoted because she repeatedly reported harassment, discrimination and retaliation over the
22 past several years. Plaintiff was employed at KPCB longer than any of the men promoted. In
23 fact, Mr. Hsieh had been hired into KPCB in a similar role as Plaintiff, supporting John Doerr.

24 35. In March 2012 KPCB also reorganized and changed the composition of the
25 extremely important investment committee for the new fund KPCB was raising. Only one
26 woman was invited to join the committee. All three recently promoted men are General Partners
27 of the fund and are on that committee. The committee is extremely important because it makes
28 decisions about which new companies to invest in for the new investment fund being raised.

1 Participation on that committee and inclusion as a General Partner of the fund also affects the
2 compensation that committee members and other partners receive. Plaintiff complained about
3 her exclusion from the investment committee and about the failure to designate her as a General
4 Partner for the new fund to John Doerr, Ted Schlein and Bing Gordon. The current Chief
5 Operating Officer, Eric Keller, responded that KPCB was unwilling to include her.

6 36. KPCB discriminates against Plaintiff and other women by failing to promote them
7 comparably to men, by compensating them less than men through lower salary, bonus and carried
8 interest, by restricting the number of investments that women are allowed to make as compared
9 to men, by failing to act when complaints of sexual harassment or discrimination are made, by
10 excluding women from meetings and discussions, by failing to provide equivalent sponsorship of
11 women as of men, by failing to include junior women comparably to junior men in the interview
12 process, and by failing to provide opportunities for visibility and success inside and outside the
13 firm for women as compared to men.

14 37. Plaintiff has filed a charge of discrimination with the State of California
15 Department of Fair Employment and Housing in a timely manner. The agency issued a Notice of
16 Case Closure and this lawsuit is brought within a year of the date of the Notice.

17 **FIRST CAUSE OF ACTION**

18 **(Gender Discrimination in Violation of Gov't Code § 12940(a))**

19 Plaintiff hereby incorporates by reference Paragraphs 1 through 37 of this Complaint as if
20 fully set forth herein, and for a cause of action alleges as follows:

21 38. At all times herein mentioned, California's Fair Employment and Housing Act,
22 Cal. Government Code § 12940 *et seq.*, was in full force and effect and fully binding upon
23 KPCB. Plaintiff was a member of a group protected by that statute, in particular section
24 12940(a), prohibiting discrimination in employment based on gender.

25 39. The denial of promotion, the denial of wages and carried interest in KPCB's
26 investment funds to Plaintiff, the differences in the number of investments Plaintiff and other
27 women as compared to men are allowed to make, the exclusion of Plaintiff and other women
28 from business events, meetings and opportunities, and the exclusion of Plaintiff and other women

1 from important managerial functions at KPCB constitutes discrimination based on gender and
2 violates Government Code § 12940(a).

3 40. As a direct, foreseeable and proximate result of KPCB's unlawful actions,
4 Plaintiff has suffered and continues to suffer substantial losses in compensation and other
5 employment benefits and has incurred other economic losses including but not limited to loss of
6 wages and loss of carried interest in KPCB's funds.

7 41. KPCB committed the acts herein despicably, maliciously, fraudulently, and
8 oppressively, with the wrongful intention of injuring Plaintiff, from an improper and evil motive
9 amounting to malice, and in conscious disregard of Plaintiff's rights to be free from
10 discrimination on the basis of gender. Plaintiff is thus entitled to recover punitive damages from
11 KPCB in an amount according to proof.

12 **SECOND CAUSE OF ACTION**

13 **(Retaliation in Violation of Gov't Code § 12940(h))**

14 Plaintiff hereby incorporates by reference Paragraphs 1 through 37 of this Complaint as if
15 fully set forth herein, and for a cause of action alleges as follows:

16 42. At all times mentioned herein California's Fair Employment and Housing Act,
17 Cal. Government Code § 12940 *et seq.*, was in full force and effect and fully binding upon
18 KPCB. Plaintiff was a member of a group protected by that statute, in particular section
19 12940(h), prohibiting retaliation for opposing practices forbidden under Part 2.8 of the
20 Government Code.

21 43. The denial of promotion, the denial of wages and carried interest in KPCB's
22 investment funds to Plaintiff, the differences in the number of investments Plaintiff as compared
23 to men are allowed to make, the exclusion of Plaintiff from business events, meetings and
24 opportunities, and the exclusion of Plaintiff from important managerial functions at KPCB
25 constitutes retaliation for opposing practices forbidden under Part 2.8 of the Government Code in
26 violation of Government Code § 12940(h).

27 44. As a direct foreseeable and proximate result of KPCB's unlawful actions, Plaintiff
28 has suffered and continues to suffer substantial losses in compensation and other employment

1 benefits and has incurred other economic losses including but not limited to loss of wages and
2 loss of carried interest in KPCB's funds.

3 45. KPCB committed the acts herein despicably, maliciously, fraudulently, and
4 oppressively, with the wrongful intention of injuring Plaintiff, from an improper and evil motive
5 amounting to malice, and in conscious disregard of Plaintiff's rights to be free from retaliation.
6 Plaintiff is thus entitled to recover punitive damages from KPCB in an amount according to
7 proof.

8 **THIRD CAUSE OF ACTION**

9 **(Failure To Take All Reasonable Steps To Prevent 10 Discrimination From Occurring In Violation Of Gov't Code § 12940(k))**

11 Plaintiff hereby incorporates by reference Paragraphs 1 through 37 of this Complaint as if
12 fully set forth herein, and for a cause of action alleges as follows:

13 46. At all times mentioned herein California's Fair Employment and Housing Act,
14 Cal. Government Code § 12940 *et seq.*, was in full force and effect and fully binding upon
15 KPCB. Plaintiff was a member of a group protected by that statute, in particular section
16 12940(k), prohibiting failure to take all steps to prevent discrimination from occurring.

17 47. Allowing Ajit Nazre to retaliate against Plaintiff over the years until his
18 termination, the denial of promotion, the denial of wages and carried interest in KPCB's
19 investment funds to Plaintiff, the differences in the number of investments Plaintiff as compared
20 to men are allowed to make, the exclusion of Plaintiff from business events, meetings and
21 opportunities, and the exclusion of Plaintiff from important managerial functions at KPCB
22 constitutes failing to take all reasonable steps to prevent discrimination from occurring violates
23 Government Code § 12940(k).

24 48. As a direct foreseeable and proximate result of KPCB's unlawful actions, Plaintiff
25 has suffered and continues to suffer substantial losses in compensation and other employment
26 benefits and has incurred other economic losses including but not limited to loss of wages and
27 loss of carried interest in KPCB's funds.

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1. For compensatory economic damages, including but not limited to, lost back pay (including, but not limited to, salary and bonus wages), lost carried interest in KPCB's investment funds and future lost earnings; with legal interest, according to proof as allowed by law;
2. For punitive damages allowed by law;
3. For an award to Plaintiffs of costs of suit incurred herein and reasonable attorneys' fees;
4. For an award of prejudgment and post-judgment interest;
5. For injunctive relief to prevent sexual harassment, discrimination and retaliation; and,
6. For an award to Plaintiff of such other and further relief as the Court deems just and proper.

RUDY, EXELROD, ZIEFF & LOWE, LLP

By: Alan B. Exelrod
ALAN B. EXELROD
Attorneys for Plaintiff

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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury.

DATED: May 10, 2012

RUDY, EXELROD, ZIEFF & LOWE, LLP

By: 

ALAN B. EXELROD
Attorneys for Plaintiff

